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EXAMINER

NGUYEN, DUC MINH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2643     |              |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/050,034

Applicant(s)

SIMAL, JAN

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-9, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Swale et al (5,822,411).

Consider claims 1, 9. Swale teaches a system for providing call charge information in a telecommunication link between a calling subscriber (party A, fig. 3) and a called subscriber (party B, fig. 3), comprising a first terminal connected to a first local telecommunication exchange (party A connects to LEC A, fig. 3); and a second terminal connected to a second local telecommunication exchange (party B connects to LEC B, fig. 3), wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as message to the second telecommunication exchange such that the call charge information is configured for use in real time while the telecommunication link is in existence (col. 5, ln. 28 to col. 6, ln. 40; figs. 2-3).

Consider claims 6, 14. Swale further teaches the call charge information sent creates a call charge account for the called subscriber in real time (col. 5, ln. 65-67).

Consider claims 7, 15. Swale further teaches the call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber (fig. 3, col. 5, ln. 41 to col. 6, ln. 20).

Consider claims 8, 16. Swale further teaches the call charge information sent indicates the call charges on a display device of the second terminal while the telecommunication link is in existence (col. 8, ln. 26-34).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Lampola (6,668,052).

Consider claims 2, 10. Swale teaches that the call charge information is sent to the second telecommunication exchange (column(s) 6, line(s) 40 to column(s) 7, line(s) 35). However, Swale does not teach that the call charge information is sent to the second telecommunication exchange as APM ISUP message to utilize services and service attributes.

Lampola teaches the use of APM ISUP message in conjunction with call setup from the first exchange to the second exchange (col. 5, ln. 62 to col. 6, ln. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lampola into the teachings of Swale in order to provide a new type of method and system for signaling used for call setup that enable cooperation between different type of networks in a manner transparent to the user, so that the

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user will perceive it as consistent cooperation regardless of the system to which the terminal equipment is connected.

Consider claims 3, 11. Lampola further teaches the content of the APM ISUP message is determined by APPs (col. 5, ln. 62 to col. 6, ln. 7).

5. Claims 4-5, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Lampola (6,668,052) as applied to claims 1-3, 9-11 above, and further in view of Fabritius et al (6,345,182).

Consider claims 4-5, 12-13. Lampola further teaches the APPs comprise an application-independent part that includes information on the APM ISUP message (col. 5, ln. 62 to col. 6, ln. 7). However, Lampola does not teach that the APPs comprise an application-dependent part that includes information on call charge information.

Fabritius teaches the APPs comprise an application-dependent part that includes information on call charge information (col. 6, ln. 14-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fabritius into the teachings of Swale in view of Lampola in order to provide method and system for the communication of tariff information from an external charge determination point to a mobile switching centre acting as charging point for a called mobile terminal, depending upon the classification of the call.

***Response to argument***

Regarding the Swale reference, applicant states “after some interaction between calling and called subscribers, is not suited for real time usage on the called subscriber’s side.” In contrast to applicant’s assertions, Swale clearly teaches that his invention allows the charging of a call to be varied as it progresses (i.e., real-time). Furthermore, the CDR in Swale provides data such as tariff (charge band code; column(s) 4, line(s) 41-65).

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

11/13/04